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THE DISTRICT COURT

1948

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Deputy

STATE OF NEW MEXICO

COUNTY OF RIO ARIBA

IN THE DISTRICT COURT

HORACIO CHACON; JOSE I. CHACON; PRECILIANO GALLEGOS; ELIAS GARCIA; MEDARDO GARCIA; FELIX GRIEGO; MAGDALENA U. de GRIEGO; JOSE AGAPITO LUJAN; PABLITA A. LUJAN; EDUARDO H. MARTINEZ; MERIJILDO MARTINEZ; PRECILIANO MARTINEZ; AIOLFO G. MORFIN; EUDORO MORFIN; MANUEL MORFIN; EZEQUIEL ORTEGA; JUAN LUIS RODRIGUEZ; CRESCENCIO T. SALAZAR; EDUARDO SALAZAR; FRANK SALAZAR; JUAN B. VALDEZ; MANUEL VALDEZ; MERIJILDO VALDEZ; ROSA L. CRUZ; TOMAS VELASQUEZ; JOSE D. GALLEGOS; PRUDENCIO SALAZAR; EDUARDO H. MARTINEZ, administrator of the estate of Samuel Wayman, deceased; ANTONIO MARIA WAYMAN; CACIEN WAYMAN; CLAUDIO WAYMAN; GUILLERMO WAYMAN; VENCESLADO WAYMAN; RITA WAYMAN de CLIVAS; and MATEO GARCIA;

No. 492

Plaintiffs,

vs.

REMIGIO CHACON; JOSE D. GALLEGOS; JUANITA GONZALES; GERTRUDES M. de GALLEGOS; PORFIRIA GONZALES; NELISIA VALDEZ de GONZALES; RAMON GONZALES; ISAIDA V. de GONZALES; JOSE LORENZO HERRERA; ISABEL JIMENEZ; LILLIAN M. de JIMENEZ; JUAN MAESTAS; BEATRIZ G. MARTINEZ; JOSE MONTOYA; BEATRIZ MORFIN de MARTINEZ; CAROLINA G. MORFIN; NELSON O. MORFIN; JOSE G. MORFIN; JACOB O. MORFIN; MABEL G. MORFIN; SERGIO G. MORFIN; ISA G. MORFIN; JUAN MORFIN; ADOLFO O. MORFIN; EUCLILIA V. de MORFIN; DELFINIA MORFIN; MANUEL S. SALAZAR; BENERANDA SALAZAR; PRUDENCIO SALAZAR; ROSENDA M. SALAZAR; JOSE LORENZO SALAZAR; EDUARDO VELASQUEZ; BENEDICTA G. SALAZAR; FRANCISCO SALAZAR; CEDILIA G. SALAZAR; JOSE L. HERRERA; POLINARIA S. HERRERA; ANTONIA MONTOYA; GERMAN CHACON; DOLORES CHACON de MARTINEZ; LUCIA CHACON; EBAN M. MORFIN; ERNESTO MORFIN; PEDRO SALAZAR; CELESTINA MORFIN; JESANDRO MORFIN; AMALIA MORFIN de SALAZAR; SALADON MORFIN; JUAN MAESTAS; ALVARA M. de MAESTAS; UNKNOWN HEIRS OF ADOLFO MORFIN, DECEASED; UNKNOWN HEIRS OF SOLOMON MORFIN, DECEASED; UNKNOWN HEIRS OF NESTOR MORFIN, DECEASED; UNKNOWN HEIRS OF JOSE MORFIN, DECEASED; UNKNOWN HEIRS OF SOFIA MORFIN, DECEASED; UNKNOWN HEIRS OF AURORA de MORFIN, DECEASED; UNKNOWN HEIRS OF REFUGITO MORFIN, DECEASED; UNKNOWN HEIRS OF REFUGIO MORFIN, DECEASED; UNKNOWN HEIRS OF SATURNINA O. de CHACON, DECEASED; UNKNOWN HEIRS OF MERIJILDO GONZALES, DECEASED; AND ALL UNKNOWN CLAIMANTS OF INTEREST TO WATER IN THE RIO VEGA del OSO, RITO de los CORRALITOS, RIO PUERCO and RIO POLEO STREAM SYSTEM;

Defendants.

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2
COMPLAINT

Plaintiffs for their cause of action say:

1. In the said County of Rio Arriba there flows a natural stream of water sometimes commonly known as the Rio Puerco, which is formed by the junction of two small streams, commonly known as El Rito de los Corralitos and El Rito del Vega del Oso. At a point below the junction of the last mentioned streams, the waters or part thereof flow into several natural sinks or "Resumideros" and form an underground stream. Said underground stream breaks out some distance away into three springs, the flows from which come together and are sometimes known as the Rio Poleo.

2. Said springs are supplied with water exclusively by the waters of the Rio Puerco - Rito de los Corralitos - Rito del Vega del Oso stream system, aforesaid, having no other source except a trivial amount of surface seepage, and the said springs and streams constitute a single stream system.

3. That long prior to the year 1907 the predecessors in interest and estate of the plaintiffs herein constructed community ditches known as "La Acequia de la Plaza de la Mesa de Poleo", "La Acequia del Medio del Rio del Poleo" and "La Acequia de la Mesa de Pino Vital", through which they appropriated and diverted waters from said stream system at a point on said Rio Poleo, below the point where said stream system comes to the surface through said springs, and applied said waters to beneficial use upon their said lands and for domestic uses and that ever since then and at all material times the plaintiffs and their said predecessors in interest and estate have continuously, economically and reasonably diverted said waters through said community ditches and applied the same to beneficial use in the necessary irrigation of their said tracts of land and for domestic uses except insofar as the plaintiffs have from time to time been wrongfully deprived of the use of certain of said waters, as hereinafter alleged. That by reason of the foregoing facts and circumstances the plaintiffs are now severally the owners of rights, prior and paramount to any rights of any of the defendants, to continue to divert and appropriate the waters of said stream system to the full extent of the beneficial uses to which they have so applied the same.

4. That plaintiffs' predecessors in interest were the original and